

Layoffs

Lateral Transfers and Bumping

Article 18 of the collective bargaining agreement governs the layoff and recall process.

Current process:

At least twenty days before the layoff, management gives MOSES notice and meets with MOSES to discuss impacts to affected employees and on the availability of vacant positions within the agency. MOSES will ask the Human Resources Division to check for fillable vacant positions with other agencies. The agency will also seek volunteers who wish to be laid off.

If there are no vacant positions or volunteers available to avert the layoff, the agency must ultimately lay off the least senior person in the title where seniority is measured by years of service in the agency. However, the notice of layoff may be given to someone other than the least senior person in the title- i.e. if the department is eliminating an entire sub-section, it may send layoff notices to all employees in the sub-section.

Under the contract management is supposed to give the employee affected by the layoff at least ten (10) work days of notice.

Once an employee receives a layoff notice, he/she has five (5) working days to request (in writing) a lateral transfer to the same title and/or bump to a lower title. [The employee does not have to choose a particular option or position within that five days; he/she must simply provide notice that they want to exercise this right. Also, providing this notice does not prevent an employee from later deciding to accept layoff.]

Lateral Transfer:

The employee who receives notice of layoff (noticed employee) may laterally transfer in the same title to:

A) – the position held by the least senior employee in the title in the employee's facility, unit, district, region or appointing authority.

OR

B) – any position within the title, held by an employee with less seniority for which the noticed employee is determined qualified for such position.

Under the contract the first employee displaced by the lateral transfer of the noticed employee may choose between A or B. [*Employees displaced by a more senior employee in the same title have three (3) working days to provide notice to*

the department/agency of their intent to laterally transfer or bump.] The second employee displaced (the third employee affected) may only choose A.

Bumping:

Any employee (displaced or noticed) may choose to bump, down in grade, to a bargaining unit 9 position in the next lower title(s) as long as it is occupied by an employee with less seniority and the employer determines that he/she is qualified to perform that job.

Ideal Implementation:

As a result of previous experiences with layoffs MOSES would endeavor to have a layoff process unfold as noted below.

- A MOSES attorney and an additional MOSES representative will be at every site where bargaining unit 9 employees will be receiving notification of layoff.
- MOSES will discuss options and have lateral transfer/bumping forms available.

Remember, it is the Notification of Intent to Transfer or Bump that must be provided to the employer in 5 days and not the actual choice.

- At that point MOSES and the noticed employee may be able to preliminarily discuss lateral transfer and/or bumping alternatives. In some cases, it may be necessary to seek documentation as to particular jobs available for the employee to consider.
- Issues can be identified for follow up by the MOSES representative(s) and the employee. (For example: layoff/bump choices; insurance issues; retirement issues; etceteras).
- A follow-up meeting will be scheduled for the noticed employee with MOSES and may include a representative of the employer for purposes of lateral transfer or bumping selection. MOSES and the affected employee will decide on when to include the employer at the follow-up.